

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**
ATTORNEY DOCKET NO. 10004278-1

As a below named inventor, I hereby declare that:

My residence/post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM AND METHOD FOR USING A CONCENTRIC SPECTROMETER TO MULTIPLEX OR DEMULTIPLEX OPTICAL SIGNALS**

The specification of which is attached hereto unless the following box is checked:

( ) was filed on \_\_\_\_\_ as US Application Serial No. or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

**Foreign Application(s) and/or Claim of Foreign Priority**

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor(s) certificate listed below and have also identified below any foreign application for patent or inventor(s) certificate having a filing date before that of the application on which priority is claimed:

| COUNTRY | APPLICATION NUMBER | DATE FILED | PRIORITY CLAIMED UNDER 35 U.S.C. 119 |
|---------|--------------------|------------|--------------------------------------|
|         |                    |            | YES: _____ NO: _____                 |
|         |                    |            | YES: _____ NO: _____                 |

**Provisional Application**

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

| APPLICATION SERIAL NUMBER | FILING DATE |
|---------------------------|-------------|
|                           |             |
|                           |             |

**U. S. Priority Claim**

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| APPLICATION SERIAL NUMBER | FILING DATE | STATUS (patented/pending/abandoned) |
|---------------------------|-------------|-------------------------------------|
|                           |             |                                     |
|                           |             |                                     |
|                           |             |                                     |

**POWER OF ATTORNEY:**

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Customer Number **022878**

Place Customer  
Number Bar Code  
Label here

Send Correspondence to:  
AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, Colorado 80537-0599

Direct Telephone Calls To:

Jon E. Holland  
(256) 704-3900

or

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Thomas L. Mikes

Citizenship: \_\_\_\_\_

Residence: \_\_\_\_\_

Post Office Address: N/A

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

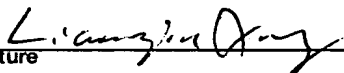
**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION (continued)**

ATTORNEY DOCKET NO. 10004278-1

Full Name of # 2 joint inventor: Lian Xing Citizenship: U.S.

Residence: 42 Quarry Road

Post Office Address: Acton, MA 01720

Inventor's Signature  Date 9/30, 03

Full Name of # 3 joint inventor: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Residence: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Full Name of # 4 joint inventor: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Residence: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Full Name of # 5 joint inventor: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Residence: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Full Name of # 6 joint inventor: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Residence: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Full Name of # 7 joint inventor: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Residence: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Full Name of # 8 joint inventor: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Residence: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                  |   |           |
|----------------------------------|---|-----------|
| In re the application of:        | ) |           |
| Mikes, et al.                    | ) |           |
|                                  | ) |           |
| Serial No.:                      | ) | Art Unit: |
|                                  | ) |           |
| Filed:                           | ) | Examiner: |
|                                  | ) |           |
| For: SYSTEM AND METHOD FOR USING | ) |           |
| A CONCENTRIC SPECTROMETER TO     | ) |           |
| MULTIPLEX OR DEMULTIPLEX         | ) |           |
| OPTICAL SIGNALS                  | ) |           |

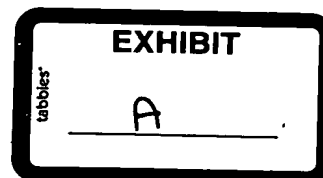
**DECLARATION BY JON HOLLAND IN SUPPORT OF PETITION**  
**UNDER 37 C.F.R. §1.47**

Commissioner for Patents  
Box: Patent Application  
Washington, DC 20231

Sir:

1.

I, Jon Holland, am an attorney representing Agilent Technologies ("Agilent") in the above-identified matter. As evidenced by a copy of an Assignment submitted herewith as Exhibit B, one of the inventors, Lian Xiang, of the above-identified application has assigned his interest in the application to Agilent. Further, it is believed that the contribution of the other inventor, Thomas Mikes, was conceived while he was an employee of Agilent and that Mr. Mikes is under an obligation to assign his interest in the instant application to Agilent.



2.

Mr. Mikes is no longer employed by Agilent. From about October of 2002 to March of 2003, subsequent to Mr. Mikes employment with Agilent, I contacted Mr. Mikes on numerous occasions regarding the instant application. Although I had difficulty reaching Mr. Mikes and scheduling times for discussing the application, Mr. Mikes on several occasions willingly provided a description of the subject matter of the instant application. Mr. Mikes also reviewed and provided comments on at least one draft of the application.

3.

However, some time around or shortly after March of 2003, Mr. Mikes inexplicably stopped returning my telephone calls and e-mail messages. Since March of 2003, I have attempted to contact Mr. Mikes on numerous occasions using the same telephone number and e-mail address that successfully reached Mr. Mikes between October of 2002 and March of 2003. The foregoing telephone number has not been disconnected, and my e-mail messages have not been returned to me. It appears that Mr. Mikes is simply refusing to return my messages.

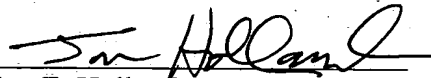
4.

After receiving Mr. Liang's approval to file the instant application, I attempted to contact Mr. Mikes one final time on or around September 22, 2003. Using the aforementioned telephone number and e-mail address, I left telephonic and e-mail messages informing Mr. Mikes that I was ready to file the application and that I needed his signature for the Declaration. As of the date of this Declaration, Mr. Mikes has yet to respond to my messages.

5.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Jon E. Holland  
Reg. No. 41,077

Date: 10/14/03

Thomas, Kayden, Horstemeyer  
& Risley, L.L.P.  
100 Galleria Parkway  
Suite 1750  
Atlanta, Georgia 30339

When recorded please return to:

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

PATENT APPLICATION

ATTORNEY DOCKET NO. 10004278-1

ASSIGNMENT OF PATENT APPLICATION

I/We, the undersigned (each) have agreed and hereby agree to assign to AGILENT TECHNOLOGIES, INC., a Delaware corporation having its principal place of business in Palo Alto, California, (hereinafter AGILENT), in furtherance of my/our obligations to AGILENT, and do hereby assign and transfer to AGILENT, its successors and assigns, the entire right, title and interest, including the right of priority, in, to and under an application for Letters Patent of the United States entitled:

SYSTEM AND METHOD FOR USING A CONCENTRIC SPECTROMETER TO MULTIPLEX OR DEMULTIPLEX OPTICAL SIGNALS

Filing date: \_\_\_\_\_ Serial No.: \_\_\_\_\_

and the invention(s) and improvement(s) set forth therein, and any and all continuations, continuations-in-part (C-I-P's), divisionals, and renewals of and substitutes for said application for, said Letters Patent, and any and all Letters Patent of the United States and of countries foreign thereto which may be granted thereon or therefor; and any reissues, or reexaminations, or extensions of said Letters Patent.

I/we additionally authorize AGILENT to file applications in my/our name for Letters Patent in any country, to be held and enjoyed by AGILENT, its successors, assigns, nominees or legal representatives, to the full end of the term or terms for which said Letters Patent respectively may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by me/us had this assignment, and transfer not been made;

AND I/we hereby covenant that I/we have full right to convey the entire interest herein assigned, and that I/we have not executed and will not execute any agreement in conflict herewith, and I/we further covenant and agree that I/we will, each time a request is made, and without undue delay, execute and deliver all such papers as may be necessary or desirable to perfect the title to said invention(s) or improvement(s), said application and said Letters Patent, to AGILENT, its successors, assigns, nominees or legal representatives, and I/we agree to communicate to AGILENT, or to its nominee, all known facts respecting said invention(s) or improvement(s), said application and said Letters Patent, to testify in any legal proceedings, to sign all lawful papers, to execute all disclaimers and divisionals, continuations, C-I-P's, reissue and foreign applications, to make all rightful oaths and declarations, and generally to do everything possible to aid AGILENT, its successors, assigns, nominees and legal representatives to obtain and enforce, for its or their own benefit, proper patent protection for said invention(s) or improvement(s) in any and all countries provided the expenses which may be incurred by me/us in lending such cooperation and assistance are paid by AGILENT;

AND I/we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any country or countries foreign to the United States whose duty it is to issue patents on applications as aforesaid, to issue to AGILENT, as assignee of the entire right, title and interest, any and all Letters Patent for said invention(s) or improvement(s), including any and all Letters Patent of the United States which may be issued and granted on or as a result of the application aforesaid, in accordance with the terms of this assignment.

I/we further authorize and direct AGILENT attorneys to insert the serial number and filing date of said application now identified by the attorney docket number and title set forth above as soon as the same shall have been made known to them by the United States Patent and Trademark Office.

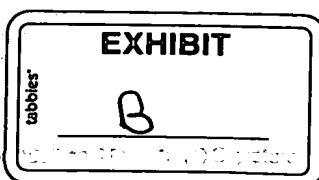
IN WITNESS WHEREOF, I/we hereunto set my/our hand(s) and seal(s):

\_\_\_\_\_  
Inventor's Signature (Seal) Date Assignment Signed: \_\_\_\_\_

Inventor's Typed Name: Thomas L. Mikes Date Application Signed: \_\_\_\_\_

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.:  
\_\_\_\_\_ )

Before me this \_\_\_\_ day of \_\_\_\_\_, personally appeared Thomas L. Mikes who is personally known or proved to me on the basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be his/her free act and deed.



\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

When recorded please return to:

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

PATENT APPLICATION

ATTORNEY DOCKET NO. 10004278-1

ASSIGNMENT OF PATENT APPLICATION (cont.)

IN WITNESS WHEREOF, I we hereunto set my/our hand(s) and seal(s):

Lian Xiang Date Assignment Signed: 9/30, 03  
Inventor's Signature (Seal)

Inventor's Typed Name: Lian Xiang Date Application Signed: 9/30, 03

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.:

Before me this 30 day of Sept. 2003, personally appeared Lian Xiang who is personally known or proved to me on the basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be his/her free act and deed.

Lori Ellen Camacho  
Notary Public  
My commission expires: 11-13-2007

\_\_\_\_\_  
Inventor's Signature (Seal) Date Assignment Signed: \_\_\_\_\_

Inventor's Typed Name: \_\_\_\_\_ Date Application Signed: \_\_\_\_\_

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.:

Before me this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_ who is personally known or proved to me on the basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be his/her free act and deed.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Inventor's Signature (Seal) Date Assignment Signed: \_\_\_\_\_

Inventor's Typed Name: \_\_\_\_\_ Date Application Signed: \_\_\_\_\_

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.:

Before me this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_ who is personally known or proved to me on the basis of satisfactory evidence to be the person who acknowledged the foregoing instrument of assignment to be his/her free act and deed.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_